

This Report therefore considers, that under the 2d, 3d and 4th objections, when the Majority Report deducts these votes from Widdicombe, and gives them to Brooke, they have not sufficient legal evidence therefor.

The law referred to by the Majority Report, punishing candidates and other persons with fine and imprisonment, who may practice force or violence, to influence unduly, or overawe, intercept or hinder any election, is unquestionably a good and wholesome law, but furnishes no ground for deducting votes from either party in this case, until it has first been shown that he at least received them.

Under the third objection, that minors were allowed to vote, the Majority Report contends that Henry Holland voted for Widdicombe. The evidence does not so read. The only witness who pretended to know of his voting, is J. W. Belt, and he says positively (page 69 printed testimony, answer to 3d question,) that he did not see his ticket.

This Report cannot therefore consider that it is proper to deduct this vote from Mr. Widdicombe, in the absence of all legal proof that he received it. Under the 4th objection, that unpardoned convicts were permitted to vote, the Majority Report states that three unpardoned convicts voted, and from the fact that they were identified with the Republican party, other associating circumstances they believed they voted for Widdicombe, viz: Mack Johnson, George Locker, and N. Beall. With this decision the Minority Report cannot agree. It is proved by parties who read the ticket and saw it deposited, that G. Locker voted for Widdicombe. There is no legal proof that N. Beall or Mack Johnson voted for Widdicombe.

It is not plain that because a witness says these parties were identified with the Republican party, that the conclusion follows with the legal certainty which is only proper in determining a case upon the evidence, that therefore they voted for Widdicombe. It seems as if liberality, to say nothing of law, would bid one hesitate before rushing to this wild conclusion in a matter of this grave importance. This Report does not concede, therefore, that there is any evidence to warrant the taking these two votes from Widdicombe in the absence of legal proof that he secured them. This Report does not propose to express any view on the question as to the right to vote after conviction.

It is a matter that will probably ere long come before the Courts, and there it will be finally settled, and as it would not vary the result under the view taken in this Report, it will be passed. This Report agrees in the main with what is said in the Majority Report upon the subject of non-residents.